



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/168697

PRELIMINARY RECITALS

Pursuant to a petition filed September 15, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Kenosha County Human Service Department in regard to Medical Assistance, a hearing was held on October 08, 2015, at Kenosha, Wisconsin.

The issue for determination is whether the agency properly closed the Petitioner's BadgerCare Plus (BC+) case due to income over the program limit.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Karen Mayer

Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On August 20, 2015, the Petitioner contacted the agency to report a new job at [REDACTED], 40 hours/week at \$14/hour. The agency updated his case.

3. On August 24, 2015, the agency issued a Notice of Decision to the Petitioner informing him that his BC+ benefits would end October 1, 2015 due to income exceeding the program limit. The agency calculated Petitioner's gross income at \$2,408/month based on 40 hours/week at \$14/hour.
4. On September 15, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

An individual is not eligible for BC+ benefits if the gross household income exceeds 100% of the federal poverty level (FPL). In the case of a one-person household, 200% FPL is currently \$980.83/month.

The agency updated this case on August 24, 2015 based on the Petitioner's report on August 20, 2015 that he had obtained employment that would pay \$2,408/month. At the hearing, the Petitioner testified that he never started the job due to problems with a background check.

The Petitioner was advised at the hearing that he would need to provide verification to the agency that he did not start the employment at [REDACTED]. He was advised that if the verification was received by the agency by October 31, 2015, the agency will update his case and issue a new determination based on the updated information.

Based on the evidence submitted, the agency acted properly based on the information provided by the Petitioner regarding new employment. Upon submission of verification that he did not start the employment at [REDACTED], the agency will issue a new notice to the Petitioner (if it has not already done so) with new appeal rights if the Petitioner disagrees with the new determination.

CONCLUSIONS OF LAW

The agency properly determined that Petitioner's BC+ case should close effective October 1, 2015 based on information that he obtained new employment and exceeded the income limit.

THEREFORE, it is

ORDERED

That the Petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 4th day of November, 2015

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 4, 2015.

Kenosha County Human Service Department
Division of Health Care Access and Accountability